IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO. 4090 of 2006.
IN
FIRST APPEAL NO.2314 OF 2007.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri S.N.Gawade, A.G.P. for the Applicant.
Ms.Manjeri Parasnis for Respondents Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 10th October, 2007.

P.C.:

1. Heard the Advocates appearing for the parties. The prayer is for stay of execution and operation of the impugned Judgment and Award passed under section 18 of the Land Acquisition Act, 1894. The enhancement granted in market value is only in the sum of Rs.3330/-. Moreover the Award has been passed on 30th November 2000 and for a period of about 7 years, there is no ad-interim or interim relief operating in favour of the Applicant.

2. Considering the peculiar facts of the case, the prayer for stay cannot be granted and the Applicant will have to deposit the amount awarded under the impugned Judgment and Award. The Reference Court will permit the original Claimants

to withdraw the amount subject to the original Claimants filing an undertaking to the Reference Court to re-deposit the amount with appropriate rate of interest as may be determined by the Court in the event the First Appeal is allowed.

3. Civil Application is disposed on the above terms. No order as to costs.

Judge.